

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.351 OF 2006

Dinanath Lallan Dubey

...Applicant.

V/s

1. The State of Maharashtra  
and Ors.

...Respondents.

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Mr. M.P. Mishra for the applicant.

Ms. Rajeshree M. Gadhvi, APP for the State.

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**CORAM: V.M. KANADE, J.**

**DATE: 3rd February, 2006**

P.C.:

1. Heard the learned Counsel for the applicant and

the learned APP for the State.

2. It is alleged by the applicant that he has an apprehension that he is likely to be arrested in connection with the offence punishable under section 406, 420 of the Indian Penal Code registered at the Mulund Police Station. It is alleged in the complaint that the applicant had acted as a middleman in the transaction of sale and purchase of an Indica Car and the purchaser had paid the consideration/ amount for the sale of the car to the owner in his presence. However, the cheque which was issued was dishonoured. Hence, the complaint was lodged against the purchaser

of the car and the present applicant.

3. It is submitted that the applicant is merely a middleman and, therefore, he was not concerned with the dishonour of the cheque.

4. Looking to the peculiar facts of the case, I am of the view that custodial interrogation of the applicant is not necessary in view of the admitted position that the applicant was acting as a middleman in the said transaction. In the event of the arrest of the applicant in connection with the complaint which is registered with the Mulund Police Station by one Shyam Sonawane, he may be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. It is made clear that this order of anticipatory bail is restricted only to the complaint which is filed by Shyam Sonawane in respect of sale and purchase of the Indica Car and dishonour of cheque which was given by the purchaser.

5. Application is accordingly disposed of.

**V.M. KANADE, J.**